

ALABAMA BOARD OF NURSING

REGULAR BOARD MEETING

**RSA Plaza Suite 350
Montgomery, Alabama**

January 19 & 20, 2017

I. CALL TO ORDER

A. Roll Call

The meeting was called to order at 9:00 a.m. on Thursday, January 19, 2017 and 8:32 a.m. on Friday, January 20, 2017.

The following members were present: Francine Parker, EdD, MSN, RN, President; Natalie Baker, DNP, CRNP, Vice-President; E. Laura Wright, PhD, MNA, CRNA; Cheryl Bailey, BSN, MBA; Valorie Dearmon, DNP; Judith LaDonna McDonnell, LPN; Jill Hightower, MSN, RN; Peggine Carpenter, BA, LPN; Helen T. McAlpine, EdD; Richard Foote, RN, MSN, MA, CEN; Cynthia Buford, LPN and Executive Officer Peggy Benson, MSHA, MSN, NE-BC. ABN members absent January 19, 2017 were: Gladys Davis Hill, MSN, RN, Secretary and Chrystabell King, LPN and ABN members absent January 20, 2017 were: Gladys Davis Hill, MSN, RN, Secretary and Chrystabell King, LPN.

Staff members attending the meeting were: Cathy Boden, MSN, RN Director - Probation Monitoring and Compliance; Dawn Daniel, MSN, RN, Director-Advanced Practice and VDAP; Mary Ed Davis, RN, MSN, DNP, Director of Research and Graduate Student Placement; Silena Sexton, Intern; Honor Ingels, Chief Legislative and Information Officer; John Marc Glasscock, CFO; Alice Maples Henley, Deputy Attorney General/General Counsel; Patrick Samuelson, Assistant General Counsel; Joyce Jeter, MSN, RN, Practice/Continuing Education Nurse Consultant; Brad Jones, IT Specialist; Tonya Smith as recorder; Debra Lett, PhD, MSN, MPA, RN, Education Nurse Consultant; Abby Migliore, RN, MSN, Compliance Nurse Consultant; LaDonna Patton, MSN, RN, CEN, Director-Alabama Nursing Resource Center; Christie Mumford, RN, MSN, Compliance Nurse Consultant; Vicki Hill, MSN, RN, Education Nurse; Robert Rollins, IT Director; Teresa Williamson, Docket Clerk; Howard Kenney, Chief Investigator; David Pinnock, Special Investigator; Taylor Thomas Legal Research Assistant; Tcherlindra Tarranee, Special Investigator; Mark Wharton, Special Investigator; Nimra Khan, Intern; Zip Matthews, ASA II, Probation/VDAP and Maggie Williams, Director, Administrative Services

Visitors attending the meeting were: Bishop State Community College and Chattahoochee Valley Community College.

Ms. Judith LaDonna McDonnell left the meeting on January 19, 2017 at 11:42 a.m. and returned at 11:47 a.m. and left again at 1:55 p.m. and returned at 2:01 p.m.

B. Oath of Office

On January 19, 2017, Dr. Parker led members present in the Oath of Office. A written "Oath of Office" was provided to each Board Member for signature.

C. Declaration of Quorum

A quorum was declared with ten Board members present on January 19, and ten members present on January 20. Gladys Davis Hill, MSN, RN, Secretary, and Chrystabell King, LPN, were not present for the meeting.

D. Statement of Compliance with Open Meetings Act

Prior notice of meeting was posted on Secretary of State's website in accordance with the Alabama Open Meetings Act.

E. Review of Agenda

1. Additions, Modifications, Reordering

Ms. Benson added Quality of Care Update, Opioid Crisis, March 10, 2017 @ Marriott Legends, Prattville, AL to XII Board Travel.

Ms. Benson added the Executive Committee Member Orientation and Retreat Minutes held on January 13, 2017, to the Agenda.

2. Adoption of Consent Agenda

The following were accepted on the Consent Agenda.

- II.A. November 17 & 18, 2016 Board Meeting Minutes*
- III.A. Board Action Follow-up*
- V.A. NCLEX-PN Results*
- V.B. NCLEX-RN Results*
- VI.A.1. Executive Officer Report*
- VI.A.2. FYI*
- VI.B. Executive Committee Report*
- VI.D.1. General Counsel Report*
- VI.D.2. Assistant General Counsel Report*
- VI.D.3. Voluntary Disciplinary Alternative Program*
- VI.D.4. Investigations Report*
- VI.D.5. Legal Nurse Consultant Report*
- VI.D.6. Probation Monitoring Report*

- IX.A.1. Practice Report*
- IX.B.1. Continuing Education Report*
- IX.C.1. Licensure Report*
- IX.D.1. FY 2016 Annual School Nurse Report*
- VI.E. Legislative Report*
- VI. F. ANRC Report*
- VI. G Research/Student*
- X.A. Education Report*
- X.B. Annual Education Program Report*
- X.C Deficiency Report*

On January 19, 2017, Dr. Baker moved that the Board adopt the Consent Agenda. Dr. Dearmon seconded. Motion carried without objection.

3. Adoption of Agenda

On January 19, 2017, Dr. Baker moved that the Board adopt the Agenda as amended. Ms. Bailey seconded. Motion carried without objection.

II. REVIEW OF MINUTES

A. November 17 & 18, 2016, Board Meeting

The November 17-18, 2016 Board Meeting Minutes were accepted on the Consent Agenda.

III. OLD BUSINESS/FOLLOW-UP

A. Board Action Follow-up

Ms. Benson report of the Board action follow-up was accepted, as information, on the Consent Agenda.

IV. EDUCATION

A. Report

A written report on nursing education was accepted, as information, on the Consent Agenda.

B. Program Deficiency Report

A written report on education deficiency was accepted, as information, on the Consent Agenda.

C. Bishop State Community College Teach out RN Program Application Phase I & II

Dr. Lett reported that Bishop State Community College is requesting approval to establish a nursing education program to offer a “teach-out” for Breckinridge School of Nursing and Health Sciences students displaced with the closure of ITT Technical Institution on September 6, 2016. The teach-out program is slated to begin Spring semester 2017 with plans to enroll two student cohorts, “in the 7th and 8th block” of instruction. Students enrolled in the teach-out should complete program requirements in the Spring and Summer semesters of 2017.

Bishop State Community College is a member of the Alabama Community College System (ACCS) and maintains institutional accreditation with eh SACSCOC.

Bishop State Community College requests a waiver of the required three-month notice to ABN before opening a new nursing program and to establish a new program code for the teach out program.

Ms. Jacqueline Smith, Acting Chair of Nursing for Bishop State Community College gave a brief presentation on the teach-out program for the ITT Tech Students.

On January 19, 2017, Dr. Wright moved that the Board review Bishop State Community College Phase 1 and Application for a separate teach out program and program code for former ITT Breckinridge School of Nursing and Health Sciences Nursing Students. Dr. McAlpine seconded. Motion carried without objection.

D. Education Program Guideline Revisions 2017

Dr. Lett reviewed the revised Nursing Education Program Guidelines which provide guidance and specificity to Board staff in the execution of: (a) informal dispositions with a Notice of Deficiency, (b) Board Orders, and/or (c) Consent Orders, Guidelines are categorized in relevance to: (a) non-compliance, (b) associated consequence and (c) reestablishment of compliance.

Plans of Correction are evaluated by programs in context to a Notice of Deficiency and requested actions of correction. Progressive action will be utilized by Board staff as indicated to address deficiencies identified.

On January 19, 2017, Dr. Wright moved that the Board approve the revised education program guidelines aligned with Alabama Board of Nursing Administrative Code 610-X-3, Nursing Education Programs. Dr. Baker seconded. Motion carried without objection.

V. PRESENTATION

A. Human Trafficking 101 and a Survivor's story: Lenoria Caffery
Thursday at 10:00 AM

Ms. Caffery gave her personal story about surviving human trafficking as well as reviewed the major issues confronting our state related to sexual exploitation. She presented information, data, and facts about Human Trafficking in the state of Alabama. Her goal is to make Alabama care givers aware of the signs and symptoms of human trafficking in order to aid in recusing young teenagers and adults.

VI.

REPORTS

A. Executive Officer

A written report outlining the Executive Officer's activities was accepted, as information, on the Consent Agenda.

1. Report

A written report outlining the Executive Officer's activities was accepted, as information, on the Consent Agenda.

Pursuant to Alabama Board of Nursing Administrative Code Rule 610-X-8-.08. Ms. Benson accepted the voluntary surrender for revocation for each of the following Alabama nursing licenses.

<u>Licensee's Name</u>	<u>License Number</u>	<u>Date of Acceptance</u>
Brown, Angelica Patrice	2-068693	10/28/2016
Roberts, Katharyn Heery	1-094044	10/28/2016
Hopkins, Sonya LaJean	1-035286	10/28/2016
Mayfield, Lee Nicole	1-102867	11/03/2016
Manley, Brandon Allen	1-123764	11/08/2016
Tucker, Rosa Marie	1-093056	11/08/2016
McGee, Deborah Dianne	1-057339	11/10/2016
Corry, Jamie Kristen	2-065541	11/14/2016
Smith, Leah Renee	1-138126	12/08/2016
Dingler, Jessica Marie	1-125217	12/15/2016
	2-058913	12/15/2016
Rees, Tiatussa Marie	1-154275	12/15/2016

Betts, Phyllis Letresha	1-115221	12/15/2016
Williams, Jasper	1-087081	12/15/2016
Earley, Donna Marie	2-037671	12/15/2016
Cassidey, Julie Lynn	2-058074	12/16/2016
Garraway, Katherine Anne	1-028722	12/16/2016
Taylor, Michelle Denise	1-114955	12/19/2016
De Velasco, Teresa Lynne	1-132757	12/19/2016
Waters, Steven Gregory	1-042228	12/19/2016
	CRNP	12/19/2016
Peterson, Lavinia Marie	1-072761	12/20/2016
	2-035610	12/20/2016
Humphries, Sara Frances	1-151750	12/20/2016
Poore, Katherine Bruce	1-056264	12/21/2016
McCoy, Heather Leanne	2-066532	12/21/2016
Amberson, Carol Eugenia	1-051813	12/27/2016

2. FYI

Ms. Benson provided the following items for the Board's information: (1) a copy of a letter from the Department of Veterans Affairs; (2) a copy of a letter for State of Alabama Department of Examiners of Public Accounts; (3) a copy of the ACME Action Notice; (4) copy of the November 2016, Volume 3, Issue 4 Farb Focus; and (5) a copy of a letter from State of Alabama Department of Medical Health.

Ms. Benson gave a brief report on the Legal Audit.

3. Board Member Annual Review and paperwork renewal

Ms. Williams, gave a brief report on the Board Member Annual Review and paperwork renewal. Added to the packet a confidentially page and travel guidelines.

The Board Members reviewed and discussed the packet.

Ms. Carpenter, Ms. Hightower, Ms. McAlpine, Ms. McDonnell, Dr. Wright, Mr. Foote, Ms. Bailey, Dr. Dearmon, Dr. Parker, Dr. Baker, and Ms. Buford watched the Alabama Ethics Training Video and will receive there certificates.

4. Extra Liability Insurance, Board members

Ms. Benson reported that she and Ms. Williamson met with Risk Management to discuss adding three to five million dollars more for the ABN Board Members extra liability insurance coverage and estimated the Monthly cost at three to five thousand dollars per year.

On January 19, 2017, Dr. Wright made a motion to approve the extra liability insurance for the Board Members. Dr. Baker seconded. Motion carried without objection.

5. Petition for changes to Article 5, CNS, and Collaborative Practice

Ms. Henley reported The Alabama Administrative Procedure Act permits persons to petition agencies to adopt, amend, or repeal an agency's rule. The ABN has 60 days after submission of the petition to either deny the petition in writing on the merits, providing a statement of its reasons for the denial, or initiate rule-making proceedings in accordance with the APA's procedures. Ala. Code § 41-22-8. The ABN's rules require that an interested person petitioning the Board for adoption, amendment, or repeal of a rule submit a petition which states the name and address of the petitioner; an exact statement of the proposed amendment to the rule; and the pertinent facts, data, opinions or arguments in support of the petitioner's position. Alabama Board of Nursing Administrative Code § 610-X-1-.08. On or about December 9, 2016, the Alabama Board of Nursing (ABN) received a document entitled "Petition to Change Article 5, § 34-21-81, (5) Collaboration" from Kim DeVilbiss, an Alabama licensed registered nurse who is approved to practice as a Clinical Nurse Specialist (CNS). The petitioner seeks to change this provision of law to permit collaborative practice for CNS's.

The section that Petitioner identifies as the "Alabama Board of Nursing Administrative Code" is, in fact, a provision of the Code of Alabama, a law enacted by the Alabama Legislature. Section 34-21-81(5) of the Code of Alabama defines collaboration as follows:

A formal relationship between one or more certified registered nurse practitioners and certified nurse midwives and a physician or physicians under which these nurses may engage in advanced practice nursing as evidenced by written protocols approved in accordance with the requirements of this article or exempted in accordance with requirements of this article. The term collaboration does not require direct, on-site supervision of the activities of a certified registered nurse practitioner or a certified nurse midwife by the collaborating physician. The term does require such professional

oversight and direction as may be required by the rules and regulations of the State Board of Medical Examiners and the Board of Nursing.

Ala. Code § 34-21-81. Collaboration is statutorily limited to only two types of advanced practice nurses: certified registered nurse practitioners and certified nurse midwives. In fact, this same section of the Code of Alabama makes very clear that clinical nurse specialists are NOT permitted to engage in collaboration:

Practice of clinical nurse specialist (CNS) nursing means the performance of nursing skills by a registered nurse who, through study and supervised practice at the graduate level and as evidenced by certification, has advanced knowledge and practice skills in a specialized area of practice, except that a clinical nurse specialist may not do any of the following:

1. Perform delegated medical acts or engage in collaborative practice as described in this article.
2. Perform any of the functions of a certified registered nurse practitioner or a certified nurse midwife as described in this article and the regulations adopted under this article, whether or not performed within a collaborative practice relationship.
3. Prescribe drugs of any type. A clinical nurse specialist may perform nursing services permitted under this subdivision as an independent contractor.

Ala. Code § 34-21-81(4)d.

The ABN lacks the authority to amend the Code of Alabama: doing so requires the Alabama Legislature to pass such an amendment. Moreover, the ABN cannot circumvent the legislative pronouncements in the Code of Alabama through the promulgation of regulations permitting collaborative practice for clinical nurse specialists.

An administrative regulation must be consistent with the statutes under which its promulgation is authorized. Ex parte City of Florence, 417 So.2d 191 (Ala.1982). An administrative agency cannot usurp legislative powers or contravene a statute. Alabama State Milk Control Bd. v. Graham, 250 Ala. 49, 33 So.2d 11 (1947). A regulation cannot subvert or enlarge upon statutory policy. Jefferson County Bd. of Ed. v. Alabama Bd. of Cosmetology, 380 So.2d 913 (Ala.Civ.App.1980).

Ex parte Jones Mfg. Co., Inc., 589 So. 2d 208, 210 (Ala. 1991).

On January 19, 2017, Dr. Baker moved that the Board review and deny the petition to change Article 5 § 34-21-81, (5) Collaboration. Ms. Bailey seconded. Motion carried without objection.

B. Executive Committee Report

A written report was accepted as information on the consensus agenda.

C. Finance

1. Report

Mr. Glasscock, Chief Fiscal Officer, provided a report of Revenues Expenditures Summary, Revenues, and Expenditure Budget Comparison as of November 30, 2016.

2. Awarding of AP Loans

Mr. Glasscock, Chief Fiscal Officer, reported that the Advanced Practice Nursing Loan Repayment Program is available for Alabama residents who are enrolled full-time in accredited nursing education programs approved by the Alabama Board of Nursing and pursuing graduate degrees to become certified registered nurse practitioners (CRNPs), certified nurse midwives (CNMs), or certified registered nurse anesthetists (CRNAs).

The ABN will administer the funds according to Alabama Act No. 2106-353, which will offer loans to graduate students pursuing degrees to become Certified Registered Nurse Practitioners (CRNPs), Certified Nurse Midwives (CNMs), and Certified Registered Nurse Anesthetists (CRNAs), provided that they commit to working full-time in an Area of Critical Need in Alabama for a period of at least 18 months for each year's worth of loans received. The ABN by policy does not consider incomplete applications. All applicants are eligible to receive funds for the loan repayment program. Each loan repayment recipient will receive \$12,000.00, in one lump payment.

The application process was made completely electronic/paperless and the loan repayment guidelines were revised to match the language recorded in Alabama Act No. 2016-353.

On January 19, 2017, Dr. Wright moved that the Board approve awards to the roster of qualified candidates for the Advanced Practice Nursing Loan Repayment Program. Dr. McAlpine seconded. Motion carried without objection.

D. Legal Division

1. General Counsel/Deputy Attorney General

A written report of the activities of the Legal Division from October 29, 2016, to December 30, 2016, the number of open disciplinary cases, and the number of cases on appeal or subject to litigation was accepted, as information, on the Consent Agenda.

2. Assistant General Counsel Report

A written report on the number of pending cases on the docket of the Assistant General Counsel as of December 29, 2016 was accepted, as information, on the Consent Agenda.

3. Voluntary Disciplinary Alternative Program

A written report on VDAP participants and terminations as of December 9, 2016 was accepted, as information, on the Consent Agenda.

4. Investigations Report

A written report of active investigations per investigator as of December 30, 2016 was accepted, as information, on the Consent Agenda.

5. Compliance Nurse Consultant Report

A written report of open cases currently assigned to each Nurse Consultant as of December 29, 2016 was accepted, as information, on the Consent Agenda.

6. Probation Monitoring Report

A written report on the number of nurses monitored on probation, the number of outstanding probation violations, the number of past due fines, the number of nurses met with for probation and the number of cases resulting in revocation by the Board Order as of December 29, 2016 was accepted, as information, on the Consent Agenda.

E. Legislative Report

No report.

F. ANRC Report

The ANRC Activity Report as of December 30, 2016, was accepted on the Consent Agenda.

G. Research Report

The Research and Graduate Student Report was accepted, as information on the Consent Agenda.

VII. POLICY

A. Article 1 General Provisions, Nurse Practice Act: Revisions to include expungement and peace officer powers for investigators.

Ms. Benson reported, as part of the strategic plan for 2014-2018, the Board directed staff to draft legislation to address the need of obtaining peace officer status for Board investigators which would enable the Board staff to share and receive information with law enforcement and other regulatory bodies. This change must be done through state legislative process and requires a change to law.

On January 19, 2017, Dr. Dearmon moved that the Board approve to move forward and the changes made to Article One for Peace Officers and expungement. Ms. Bailey seconded. Motion carried without objection.

B. Article 1 General Provisions, Nurse Practice Act: New revisions to include strengthened immunity language

Ms. Benson and Mr. Ingels reported that in addition, in the light of the North Carolina Board ruling and concerns about Board immunity, the additional change requested to article one is needed to strengthen the Boards immunity. The Alabama medical and health related Boards added this language last year.

On January 19, 2017, Dr. Wright moved that the Board approve the changes made to Article One to include strengthened immunity language. Dr. Baker seconded. Motion carried without objection.

C. Article 6 Advanced Practice Loan Program: To revise current language to include previously graduated Advanced Practice Nurses

Mr. Ingels reported that the state legislature recently approved a new program which enables advanced practice nursing students and nurses to submit applications for loan repayment to the Board. The approval of a loan requires an agreement to serve in an area of critical need as specified by the Board and can only be given to currently enrolled students. The intent of the loan program was to allow for people who previously graduated to be included as well.

On January 19, 2017, Dr. McAlpine moved that the Board approve changes made to the Nurse Practice Act: Article 6. Dr. Dearmon seconded. Motion carried without objection.

D. Article 5 Advanced Practice Nursing: Revisions to include adopting language to

support APRN consensus model language.

Ms. Benson reported as part of the strategic plan for 2014-2018, the Board included the goal to “Promote full implementation of the national APRN (Advanced Practice Registered Nurse) Consensus Model”. On review of the NPA Article 5, it was determined that the legislative changes to article 5 are necessary to enable the Board to adopt model language. Changes to article 5, will then allow the Board to create a pathway for the CNS into collaborative practice. This change must be done through state legislative process and requires a change in law.

Dr. Baker suggested changes to the drafted language related to the CNS to decrease role confusion.

After discussion, Dr. Baker revised her motion.

On January 19, 2017, Dr. Baker moved that the Board accept The Nurse Practice Act: Article 5 as written and add an additional section for the CNS. Dr. Wright seconded. Motion carried without objection.

Ms. Benson and Mr. Ingels incorporated the suggested changes to The Nurse Practice Act: Article 5 and reviewed the final draft with the Board.

On January 19, 2017, Dr. Wright moved that the Board approve changes to the Nurse Practice Act; Article 5. Mr. Foote seconded. Motion carried without objection.

VIII. ADVANCED PRACTICE

A. Report

A written report was accepted, as information, on the Consent Agenda.

B. Janeen Mays @ 11:00 AM Presentation **Skill request for High Resolution Anoscopy**

Ms. Dawn gave a brief reported that the Board of Nursing received this skill request in November 2016. The Board deferred a decision and requested additional information from Ms. Mays.

CRNP/Specialty: Janeen Sparks Mays, Family NP (May 1, 2012)

Collaborating Physician/Specialty: Gregory Dean Kennedy MD/
Surgery

Collaboration Approved: September 2, 2016

Request: High Resolution Anoscopy –Detailed protocols attached –
Brief summary below:

Purpose: Survey high risk individuals for anal dysplasia and prevention of anal cancer

Physician availability: The collaborating physician will be available by phone. At times the collaborating physician may be on-site as well.

Rationale: Patients at high risk for anal dysplasia and anal cancer are routinely seen by infectious disease. These patients will benefit from less invasive procedures.

Contraindications: Anoscopy should not be performed on an imperforate anus. Caution should be exercised on patients who have recently undergone anal or rectal surgery.

Quality Assurance: Monthly review of 10% of all procedures and 100% of all adverse events.

CRNP has 5 years' colorectal surgery experience as an RN and 5 years colorectal surgery experience as a nurse practitioner.

Ms. Mays of UAB gave a presentation on Anoscopy.

On January 19, 2017, Dr. Baker moved that the Board approve that high resolution anoscopy is within the legal scope of practice for a certified registered nurse practitioner with documented education, training and experience. Dr. Wright seconded. Motion carried without objection.

C. Advisory Committee Appointment for APRN Consensus Model Changes

Ms. Benson reported as part of the strategic plan for 2014-2018, the Board included the goal to "Promote full implementation of the national APRN (Advanced Practice Registered Nurse) Consensus Model". On review of the NPA Article 5, it was determined that legislative changes to article 5 are necessary to enable the Board to adopt model language. Changes to article 5, will then allow the Board to create the rules and regulations to implement the new title and create a pathway for the CNS into collaborative practice. This change must be done through state legislative process and requires a change in law.

This committee is necessary to develop rules and regulations related to advance practice and implementation of the APRN Consensus Model.

Recommended Advisory Committee members include:

- President or designated representative, ALANNA
- President or designated representative, NPAA
- President or designated representative, CNS Association
- President or designated representative, AANP regional leadership (Alabama)
- President or designated representative CNM Association
- Board Member Natalie Baker, DNP
- Board Member Laura Wright, CRNA
- Board Staff

On January 19, 2017, Dr. Wright moved that the Board approve appointment of APRN Advisory Committee. Ms. Bailey seconded. Motion carried without objection.

IX. PRACTICE AND CONTINUING EDUCATION

A. Practice

1. Report

A written report on Standardized Procedure Application Activity was accepted, as information, on the Consent Agenda.

B. Continuing Education

1. Report

A written report on Continuing Education Providers and CE Activities was accepted, as information, on the Consent Agenda.

C. Licensure

1. Report

A written report on Licensure Data Activity was accepted, as information, on the Consent Agenda.

X. NATIONAL COUNCIL OF STATE BOARDS OF NURSING, INC.

No report

XI. BOARD TRAVEL REPORT

No report

XII. BOARD TRAVEL

1. NCSBN March 15, 2017 Mid-Year Meeting

Ms. Hill, Dr. Dearmon, Mr. Foote, Dr. Parker and Ms. Benson will be attending the 2017 NCSBN Midyear Meeting in Salt Lake City, UT, March 15, 2017.

2. NCSBN APRN Roundtable Meeting

Dr. Baker will be attending the 2017 APRN Roundtable Meeting in Rosemont, IL on April 4, 2017.

3. Quality of Care Update on Opioid prescribing, Alabama Healthcare Improvement Task Force in Prattville, AL on March 10, 2017.

Dr. Dearmon, Ms. Hightower, Ms. Carpenter, Ms. Bailey, Ms. McDonnell, Dr. Parker and Ms. Benson will be attending the Quality of Care Update, Alabama Healthcare Improvement Task Force Meeting in Prattville, AL on March 10, 2017.

XIII. BOARD DEVELOPMENT

XIV. DISCIPLINARY CASES – Executive Session – January 20, 2017 @ 8:30 a.m.

On January 20, 2017, Dr. Baker moved that the Board enter into Executive Session to discuss the general reputation and character, professional competence, and physical or mental conditions of specific applicants and licensees. Dr. Dearmon seconded. Motion carried with all in favor: (Peggie Carpenter, Jill Hightower, Helen McAlpine, LaDonna McDonnell, Laura Wright, Richard Foote, Cheryl Bailey, and Cynthia Buford)

Dr. Parker estimated that the Board would reconvene in open session at approximately 9:30 a.m.

The Board reconvened in open session at 9:33 a.m. and voted on the Consent Orders.

A. CONSENT ORDERS

SUSPENSIONS AND/OR PROBATIONS

1. Farley, Bradford Allen – RN 1-145403 (Active); LPN 2-064926 (Lapsed)

Mr. Farley signed a Consent Order that would suspend his RN and LPN license for three (3) months and until such time as payment of a \$500.00 fine,

completion of courses on Professional Accountability and Legal Liability for Nurses, Righting a Wrong Ethics and Professionalism in Nursing, and Understanding Substance Use Disorder in Nursing, and receipt of employer notification. In no event, will this period of suspension extend beyond twelve (12) months of the effective date of this Order. Should such occur, Mr. Farley's licensure status will be considered as and listed as revoked. Upon reinstatement, Mr. Farley's license will be placed on probation with the usual illegal/illicit stipulations concurrent with court-ordered probation but not less than twelve (12) months.

On January 20, 2017, Dr. Wright moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

2. Stevens, Sharon McCorvey – RN 1-108972 (Active)

Ms. Stevens signed a Consent Order that would place her RN license on probation until payment of a \$600.00 fine and completion of courses on Documentation: A Critical Aspect of Client Care and Professional Accountability and Legal Liability for Nurses and receipt of employer notification.

On January 20, 2017, Dr. Wright moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

3. Thigpen, Dawn Michelle – RN 1-097291 (Active)

Ms. Thigpen signed a Consent Order that would indefinitely suspend her RN license, she will not be eligible for reinstatement of her RN license in the state of Alabama until such time as evidence of an unencumbered license in all states is received, she cannot practice in the state of Alabama until Alabama licensure has been reinstated in accordance with the Alabama Board of Nursing Administrative Code and she must provide a receipt of employer notification.

On January 20, 2017, Dr. Wright moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

4. Adams, Troy Dwayne – RN 1-146688 (Active)

Mr. Adams signed a Consent Order that would suspend his RN license until payment of a \$300.00 fine, completion of courses on Managing Assaultive Behavior for Healthcare Professionals, Professional Accountability and Legal Liability for Nurses and Righting a Wrong Ethics and Professionalism in Nursing, and receipt of employer notification. In no event, will this period of suspension extend beyond twelve (12) months of the effective date of this Order. Should such occur, Mr. Adams licensure status will be considered as

and listed as revoked.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Hightower seconded. Motion carried without objection.

5. Garrett, Marcia – RN 1-112889 (Active/Probation)

Ms. Garrett signed a Consent Order that would terminate her May 20, 2016 Board Order and suspend her RN license until such as she provides documentation of: (a) completion of required evaluations; (b) successful completion of treatment, if treatment is recommended; (c) participation in an aftercare program, if treatment is recommended; (d) negative random monthly drug screens; (e) active participation in abstinence-oriented support group meetings, if recommended; (f) accrual of requisite continuing education contact hours; (g) completion of required courses on Disciplinary Actions: What Every Nurse Should Know and Understanding Substance Use Disorder in Nursing, if not deemed in need of treatment; and (h) payment of appropriate fees. Should Ms. Garrett be deemed in need of treatment and upon documented completion of the above terms, her RN license will be reinstated on probation for sixty (60) months with the usual substance use disorder stipulations and required to pay a \$500.00 fine. If not deemed to need treatment, Ms. Garrett's RN license will be placed on probation for twenty-four (24) months with the usual illegal/illicit stipulations, she will be required to pay a \$500.00 fine. In no event, will this period of suspension extend longer than twelve (12) months past the effective date of this Order. Should such occur, Ms. Garrett's licensure status will be considered as and listed as revoked.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

6. Willis, Jennifer Nicole – RN 1-139918 (Active/Probation)

Ms. Willis signed a Consent Order that would terminate her September 16, 2016 Order and will suspend her RN license until such as she provides documentation of: (a) completion of required evaluations; (b) successful completion of treatment, if treatment is recommended; (c) participation in an aftercare program, if treatment is recommended; (d) negative random monthly drug screens; (e) active participation in abstinence-oriented support group meetings, if recommended; (f) accrual of requisite continuing education contact hours; (g) completion of required courses on Disciplinary Actions: What Every Nurse Should Know, Ethics of Nursing, Professional Accountability and Legal Liability for Nurses and Understanding Substance Use Disorder in Nursing; and (h) payment of appropriate fees. If Ms. Willis be deemed in need of treatment and upon documented completion of the above

terms, her license will be reinstated on probation for sixty (60) months with the usual substance use disorder stipulations and is required to pay a \$500.00 fine. If not deemed to be in need of treatment, Ms. Willis license will be placed on probation for twenty-four (24) months with the usual illegal/illicit stipulations and required to pay a \$500.00 fine. In no event, will this period of suspension extend longer than twelve (12) months past the effective date of this Order. Should such occur, Ms. Willis licensure status will be considered as and listed as revoked.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

7. Cruger, Sherilyn Leigh – RN 1-133889 (Active)

Ms. Cruger signed a Consent Order that would suspend her RN license until such time as she provides documentation of: (a) required comprehensive evaluations; (b) successful completion of the initial phase of a treatment program; (c) participation in an aftercare program; (d) negative random monthly drug screens; (e) active participation in abstinence-oriented support group meetings; (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Upon receipt of the above, Ms. Cruger's license will be reinstated on probation for sixty (60) months with the usual substance use disorder stipulations and required to pay a \$1,300.00 fine. In no event, will this period of suspension extend longer than twelve (12) months past the effective date of this Order. Should such occur, Ms. Cruger's licensure status will be considered as and listed as revoked.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Dr. McAlpine seconded. Motion carried without objection.

8. McKenzie, Jennifer McFee – RN 1-122742 (Active)

Ms. McKenzie signed a Consent Order that would suspend her RN license until such time as she provides documentation of: (a) required comprehensive evaluations; (b) successful completion of the initial phase of a treatment program; (c) participation in an aftercare program; (d) negative random monthly drug screens; (e) active participation in abstinence-oriented support group meetings; (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Upon receipt of the above, Ms. McKenzie's license will be reinstated on probation for sixty (60) months with the usual substance use disorder and required to pay a \$1,300.00 fine. In no event, will this period of suspension extend longer than twelve (12) months past the effective date of this Order. Should such occur, Ms. McKenzie's licensure status will be considered as and listed as revoked.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Dr. McAlpine seconded. Motion carried without objection.

9. McManus, Kelli Marie – LPN 2-068051 (Active)

Ms. McManus signed a Consent Order that suspend her LPN license until receipt of documentation of: (a) completion of required evaluations; (b) successful completion of the initial phase of an approved treatment program, if treatment is recommended; (c) participation in an aftercare program, if treatment is recommended; (d) negative random monthly drug screens; (e) active participation in abstinence-oriented support group meetings, if recommended; (f) accrual of requisite continuing education contact hours; (g) completion of required courses on Understanding Substance Use Disorder in Nursing, if not deemed in need of treatment; and (h) payment of appropriate fees. If in need of treatment and upon documented completion of the above terms, Ms. McManus license will be reinstated on probation for sixty (60) months with the usual substance use disorder and required to pay a \$1,300.00 fine. If not deemed to be in need of treatment, Ms. McManus license will be placed on probation for twelve (12) months with the usual illegal/illicit stipulations and required to pay a \$600.00 fine. In no event, will this period of suspension extend longer than twelve (12) months past the effective date of this Order. Should such occur, Ms. McManus licensure status will be considered as and listed as revoked.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Dr. McAlpine seconded. Motion carried without objection.

10. Posey, Brandy Nicole – RN 1-150475 (Active)

Ms. Posey signed a Consent Order that would place her RN license on probation for twelve (12) months with the usual illegal/illicit stipulations, require her to pay a \$300.00 fine, and document completion of courses on Understanding Substance Use Disorder in Nursing.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Dr. McAlpine seconded. Motion carried without objection.

11. Walker, Robert Douglas – RN 1-144485 (Active)

Mr. Walker signed a Consent Order that would suspend his RN license until such time he provides documentation of: (a) required comprehensive evaluations; (b) successful completion of the initial phase of a treatment program; (c) participation in an aftercare program; (d) negative random

monthly drug screens; (e) active participation in abstinence-oriented support group meetings; (f) accrual of requisite continuing education contact hours; and (g) payment of appropriate fees. Upon receipt of the above, Mr. Walker's license will be reinstated on probation for sixty (60) months with the usual substance use disorder stipulations and required to pay a \$1,000.00 fine. In no event will this period of suspension extend longer than twelve (12) months past the effective date of this Order. Should such occur, Mr. Walker's licensure status will be considered as and listed as revoked

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Dr. McAlpine seconded. Motion carried without objection.

12. Wiley, Paul Mark – RN 1-125391 (Active)

Mr. Wiley signed a Consent Order that would place his RN license on probation for sixty (60) months with the usual substance use disorder stipulations and required to pay a \$1,000.00 fine. He may apply for early release after thirty-six (36) months of satisfactory compliance with all the stipulations of this Order. If Mr. Wiley applies for early release, a comprehensive substance use disorder, physical and mental evaluation from a treatment provider with a healthcare professional's track which supports early release shall be submitted to the Board. Said evaluation shall be performed within the ninety (90) day period immediately prior to submission of the application for early release.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Dr. McAlpine seconded. Motion carried without objection.

13. Cummings, Richard – RN 1-118688 (Active)

Mr. Cummings signed a Consent Order that would suspend his RN license until such time he provides documentation of: (a) completion of required evaluations; (b) successful completion of the initial phase of an approved treatment program, if treatment is recommended; (c) participation in an aftercare program, if treatment is recommended; (d) negative random monthly drug screens; (e) active participation in abstinence-oriented support group meetings, if recommended; (f) accrual of requisite continuing education contact hours; (g) completion of required courses on Professional Accountability and Legal Liability for Nurses, Righting a Wrong Ethics and professionalism in Nursing and Understanding Substance Use Disorder in Nursing, if not deemed in need of treatment; and (h) payment of appropriate fees. If Mr. Cummings be in need of treatment and upon documented completion of the above terms, his license will be placed on probation for sixty (60) months with the full substance use disorder stipulations and required to

pay a \$1,000.00 fine. If not deemed in need of treatment, Mr. Cummings license will be placed on probation for thirty-six (36) months with the usual illegal/illicit stipulations and required to pay a \$900.00 fine. In no event, will this period of suspension extend longer than twelve (12) months past the effective date of this Order. Should such occur, Mr. Cummings licensure status will be considered as and listed as revoked.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

14. Irby, Margaret Ruth – RN 1-151341 (Active); LPN 2-058835 (Lapsed)

Ms. Irby signed a Consent Order that would place her RN and LPN license on probation until payment of a \$300.00 fine, documented completion of course on Documentation: A Critical Aspect of Client Care, Ethics of Nursing and Professional Accountability and Legal Liability for Nurses, and receipt of employer notification.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

15. Kelley, Kyle Wayne – LPN 2-065299 (Active)

Mr. Kelley signed a Consent Order that would place his LPN license on probation for twelve (12) months with the usual illegal/illicit stipulations, until payment of a \$300.00 fine and documented completion of courses on Documentation: A Critical Aspect of Client Care and Understanding Substance Use Disorder in Nursing.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

16. Kittrell, Frances Nichole – RN 1-129142 (Active)

Ms. Kittrell signed a Consent Order that would place her RN license on probation for twelve (12) months with the usual illegal/illicit stipulations, require her to pay a \$600.00 fine and documented completion of courses on Documentation: A Critical Aspect of Client Care, Ethics of Nursing and Professional Accountability and Legal Liability for Nurses.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

17. McGregor, Rhonda Lynn – RN 1-113382 (Active)

Ms. McGregor signed a Consent Order that would place her RN license on

probation for twelve (12) months with the usual illegal/illicit stipulations, require her to pay a \$300.00 fine and document completion of courses on Righting a Wrong Ethics and Professionalism in Nursing and Understanding Substance Use Disorder in Nursing.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

18. Meaux, Jessica Nicole – RN 1-135015 (Active)

Ms. Meaux signed a Consent Order that would place her RN license on probation for twelve (12) months with the usual illegal/illicit stipulations, require her to pay a \$300.00 fine and document completion of courses on Professional Accountability and Legal Liability for Nurses, Sharpening Critical Thinking Skills and Understanding Substance Use Disorder in Nursing.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

19. Miller, Crystal Nicole – LPN 2-066735 (Active)

Ms. Miller signed a Consent Order that would place her LPN license on probation until payment of a \$300.00 fine, documented completion of courses on Documentation: A Critical Aspect of Client Care and Righting a Wrong Ethics and Professionalism in Nursing, and receipt of employer notification.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

20. Newell, Charlotte Susan – RN 1-069656 (Active)

Ms. Newell signed a Consent Order that would place her RN license on probation until payment of a \$300.00 fine, document completion of courses on Professional Accountability and Legal Liability for Nurses, Righting a Wrong; Ethics and Professionalism in Nursing, and Sharpening Critical Thinking Skills, and receipt of employer notification.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

21. Solo, Jasmine Rene – RN 1-135959 (Active)

Ms. Solo signed a Consent Order that would place her RN license on probation for twelve (12) months with the usual illegal/illicit stipulations, require her to pay a \$300.00 fine and document completion of courses on Documentation: A Critical Aspect of Client Care and Understanding

Substance Use Disorder in Nursing.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

22. Taylor, Yvonne – LPN 2-054398 (Active)

Ms. Taylor signed a Consent Order that would place her LPN license on probation for twelve (12) months with the usual illegal/illicit stipulations, require her to pay a \$300.00 fine and document completion of courses on Documentation: A Critical Aspect of Client Care and Understanding Substance Use Disorder in Nursing.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

23. Allen, Stephanie Paige – LPN 2-061416 (Active)

Ms. Allen signed a Consent Order that would place her LPN license on probation, until payment of a \$300.00 fine, document completion of courses on Elder Abuse and Righting a Wrong: Ethics and Professionalism in Nursing, and receipt of employer notification.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

24. Leake, Debra Ann – RN 1-036734 (Active); LPN 2-014274 (Lapsed)

Ms. Leake signed a Consent Order that would place in RN and LPN license on probation for twelve (12) months with the usual illegal/illicit stipulations, require her to pay a \$300.00 fine, document completion of courses on Righting a Wrong Ethics and Professionalism in Nursing and Understanding Substance Use Disorder in Nursing, and receipt of employer notification.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

25. Franks, Mallory Alanna – RN 1-152508 (Active)

Ms. Franks signed a Consent Order that would terminate VDAP Agreement of August 2016, suspend her RN license for six (6) months. Prior to reinstatement, Ms. Franks must submit documentation of: (a) required comprehensive evaluations; (b) participation in an aftercare program; (c) negative random monthly drug screens; (d) participation in abstinence-oriented support group meetings; (e) accrual of requisite continuing education contact hours; and (f) payment of appropriate fees. Upon reinstatement, Ms.

Franks license will be place on probation for sixty (60) months with the full usual substance use disorder stipulations and require to pay a \$500.00 fine. In no event, will this period of suspension extend longer than twelve (12) months past the effective date of this Order. Should such occur, Ms. Franks licensure status will be considered as and listed as revoked.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Dr. Wright seconded. Motion carried without objection.

26. Carter, Barbara Ann – RN Endorsement Applicant

Ms. Carter signed a Consent Order that would approve her RN endorsement application, and when licensed issue her a public reprimand.

On January 20, 2017, Ms. Bailey moved that the Board accept the Consent Order. Dr. Baker seconded. Motion carried without objection.

27. Haskins-Merrifield, Angela Marie – LPN Endorsement Applicant

Ms. Haskins-Merrifield signed a Consent Order that would approve her LPN endorsement application, and when licensed issue her a public reprimand and require her to pay a \$300.00 fine.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Hightower seconded. Motion carried without objection.

28. Clary, Kelly Lynn – LPN 2-045345 (Active)

Ms. Clary signed a Consent Order that would issue her a public reprimand and require her to pay a \$300.00 fine.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

29. Marshall, Jo Ellen – RN Endorsement Applicant

Ms. Marshall signed a Consent order that would approve her RN endorsement application, and when licensed; issue her a public reprimand and require her to pay a \$300.00 fine.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

30. Reed, Melanie Melissa – RN 1-085483 (Active)

Ms. Reed signed a Consent Order that would issue her a public reprimand and require her to pay a \$300.00 fine.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

31. Sayles, Richard Leeabrahm – RN Endorsement Applicant

Mr. Sayles signed a Consent Order that would approve his RN endorsement application, and when licensed issue him a public reprimand and require him to pay a \$300.00 fine.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

32. Statham, Terrie Marie – LPN 2-065772 (Active)

Ms. Statham signed a Consent Order that would issue her a public reprimand and require her to pay a \$600.00 fine.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Ms. Bailey seconded. Motion carried without objection.

33. Sivadon, Jeremy Gene – LPN 2-067557 (Active)

Mr. Sivadon signed a Consent Order that would issue him a public reprimand and require him to pay a \$900.00 fine,

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Dr. Dearmon seconded. Motion carried without objection.

34. Chappell, Lisa Marie – RN 1-129262 (Active); LPN 2-060156 (Lapsed)

Ms. Chappell signed a Consent Order that would issue her a public reprimand and require her to pay a \$300.00 fine.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Dr. Dearmon seconded. Motion carried without objection.

35. Nickell-Hitch, Cynthia Lee – RN 1-084894 (Active)

Ms. Nickell-Hitch signed a Consent Order that would issue her a public reprimand and require her to pay a \$300.00 fine.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Dr. Dearmon seconded. Motion carried without objection.

36. Stough, Annie Ree – LPN 2-040715 (Active)

Ms. Stough signed a Consent Order that would issue her a public reprimand and require her to pay a \$600.00 fine.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Dr. Dearmon seconded. Motion carried without objection.

37. Thompson, Kimberly Walker – RN 1-100712 (Active)

Ms. Thompson signed a Consent Order that would issue her a public reprimand and require her to pay a \$300.00 fine. The Board accepted the Consent Order with a \$600 dollar fine in lieu of the \$300.00 fine.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Dr. Dearmon seconded. Motion carried without objection.

38. Venerable, Sherry Lynn – RN 1-077329 (Active)

Ms. Venerable signed a Consent Order that would issue her a public reprimand and require her to pay a \$300.00 fine.

On January 20, 2017, Dr. Baker moved that the Board accept the Consent Order. Dr. Dearmon seconded. Motion carried without objection.

B. REINSTATEMENT – CONSENT ORDERS

1. Diltz-Haynes, Jennifer Rena – LPN 2-060799 (Revoked)

Ms. Diltz-Haynes signed a Consent Order that would approve her reinstatement of a revoked license application and issue her a public reprimand and require her to pay a \$600.00 fine.

On January 20, 2017, Dr. Wright moved that the Board accept the Consent Order. Dr. Dearmon seconded. Motion carried without objection.

2. Maclennan, Cynthia Lynn Hales – RN 1-089696 (Revoked); LPN

2-037691(Lapsed)

Ms. MacLennan signed a Consent Order that would approve her reinstatement of a revoked license application and place her RN license on probation for sixty (60) months with the usual substance use disorder stipulations and require her to pay a \$1,000.00 fine.

On January 20, 2017, Dr. Wright moved that the Board accept the Consent Order. Dr. Dearmon seconded. Motion carried without objection.

3. Shewbart, Leah Rachelle – RN 1-095392 (Revoked)

Ms. Shewbart signed a Consent Order that would approve her reinstatement of a revoked license application and place her RN license on probation for sixty (60) months with the usual substance use disorder stipulations, require her to pay a \$1,000.00 fine and document completion of courses on Righting a Wrong Ethics and Professionalism in Nursing.

On January 20, 2017, Dr. Wright moved that the Board accept the Consent Order. Dr. Dearmon seconded. Motion carried without objection.

4. Williams, Voronica Renee -- RN 1-108509 (Revoked); LPN 2-053088 (Revocation)

Ms. Williams signed a Consent Order that would approve her reinstatement of a revoked license application and place her RN license on probation for twelve (12) months with the usual practice stipulations, require her to pay a \$300.00 fine and document completion of courses on Professional Accountability and Legal Liability for Nurses and Righting a Wrong Ethics and Professionalism in Nursing.

On January 20, 2017, Dr. Wright moved that the Board accept the Consent Order. Dr. Dearmon seconded. Motion carried without objection.

C. FORMAL HEARINGS

On January 20, 2017, Dr. Baker moved that the Board enter into Executive Session in its capacity as a quasi-judicial body to deliberate and discuss evidence and testimony presented during contested case hearings and vote on the outcomes. Ms. Bailey seconded. Motion carried with all in favor: (Peggy Carpenter, Jill Hightower, Helen McAlpine, LaDonna McDonnell, Laura Wright, Richard Foote, Valorie Dearmon and Cynthia Buford).

Dr. Parker reported that the Board would reconvene in open session at approximately 10:30 a.m.

The Board returned to open session at 9:55 a.m.

1. Brothers, William Warnock – RN 1-066280 (Lapsed)

On January 20, 2017, Dr. Baker moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Mr. Brothers RN license. Ms. Bailey seconded. Motion carried without objection.

2. Dickerson, Timothy Richard – CRNA; RN 1-080011 (Lapsed)

On January 20, 2017, Dr. Wright recused herself from the discussion and vote concerning Mr. Dickerson.

On January 20, 2017, Dr. Dearmon moved that the Board accept the Finding of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Mr. Dickerson's RN license. Dr. McAlpine seconded. Motion carried without objection.

3. Dornbusch, John Edward – RN 1-057937 (Lapsed)

On January 20, 2017, Ms. Bailey moved that the Board accept the Finding of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Mr. Dornbusch's RN license. Dr. Baker seconded. Motion carried without objection.

4. Jackson, Jennifer – LPN 2-054978 (Lapsed)

On January 20, 2017, Dr. Baker moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and suspend Ms. Jackson's LPN license for a minimum of three (3) months. Ms. Jackson is eligible for reinstatement upon payment of a \$1,000.00 fine, document completion of courses on Ethics of Nursing, and receipt of employer notification. In no event, will this period of suspension extend beyond twelve (12) months of the effective date of this Order. Should such occur, Ms. Jackson's licensure status shall be considered as and listed as revoked. Ms. Bailey seconded. Motion carried without objection.

5. Rasmussen, Dustin B. – RN Endorsement Applicant

On January 20, 2017, Dr. Dearmon moved that the Board accept the

Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and deny Mr. Rasmussen's application for licensure as a registered nurse by endorsement. Dr. Baker seconded. Motion carried without objection.

6. Sanford, Melisa Dawn – RN 1-119350 (Active)

On January 20, 2017, Dr. Baker moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Sanford's RN license. Dr. Dearmon seconded. Motion carried without objection.

7. Sizemore, Jackie Lynn – RN Endorsement Applicant

On January 20, 2017, Ms. Bailey moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and deny Ms. Sizemore's application for licensure as a registered nurse by endorsement. Dr. McAlpine seconded. Motion carried without objection.

8. Wesley, Nora Catherine – RN 1-121797 (Active)

On January 20, 2017, Dr. Dearmon moved that the Board accept the Finding of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Wesley's RN license. Dr. Baker seconded. Motion carried without objection.

9. Winkler, Patricia Marie – LPN 2-034814 (Active)

On January 20, 2017, Dr. Baker moved that the Board accept the Findings of Fact, Conclusions of Law, and the Recommendation of the Hearing Officer, and revoke Ms. Winkler's LPN license. Dr. Dearmon seconded. Motion carried without objection.

XV. REPORTS OF MEETINGS ATTENDED

XVI. NEXT MEETING DATE: March 30 & 31, 2017, 770 Washington Ave, RSA Plaza, Suite 350

XVII. OTHER

A. EO Evaluation and Salary Discussion

Ms. Williams reported that in November the Board requested a new paygrade and/or position be removed from a paygrade as it was previously with the prior Executive Officer. The new pay grade was denied stating insufficient comparable salary information. The ABN has Statutory Authority to define the duties and fix the compensation of the Executive Officer as specified in the Alabama Code 1975, Section 34-21-2(j)(14). The ABN has sufficient monies budgeted to increase the pay of the Executive Officer.

Dr. Parker gave a brief report of Ms. Benson's evaluation noting the overall average score of 2.85 out of 3.0, she provided an evaluation summary to each Board member. The Board discussed the need to provide additional information and request the pay increase.

On January 20, 2017, Dr. Baker moved that the Board request removal from a paygrade, provide additional salary comparison information to state personnel, and approve the request for a 5% increase in pay based on the exemplary performance evaluation. Ms. Bailey seconded. Motion carried without objection.

B. NLC Meeting Update

Ms. Benson gave a brief report of the NLC Meeting, said it was very interesting and provided written summary for the Board.

C. LITIGATION

Dr. Parker announced that the chair will entertain a motion to go into Executive Session to discuss the legal ramifications of and legal options for pending litigation.

On January 20, 2017, Dr. Baker moved that the Board go into Executive Session to discuss legal ramifications of and legal options for pending litigation. Dr. Dearmon seconded. Motion carried with all in favor: (Peggy Carpenter, Jill Hightower, Helen McAlpine, LaDonna McDonnell, Laura Wright, Richard Foote, Cheryl Bailey, and Cynthia Buford).

Dr. Parker reported that the Board would reconvene in open session at approximately 12:15 p.m.

The Board reconvened in open session at 12:21 p.m.

XVIII. BOARD MEETING DEBRIEFING

XIX. ADJOURNMENT

The ABN Board meeting adjourned at 2:11 p.m. on January 19, 2017 and 12:28 p.m. on January 20, 2017.

Francine Parker, EdD, MSN, RN
President

Gladys Davis Hill, MSN, RN
Secretary

Submitted by

Tonya Smith Recorder 01/19-01/20